



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204553

Applicant Name: Sally Knodell for Catholic Community Services

Address of Proposal: 1855 South Lane Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to demolish two existing childcare structures and one garage. Construct one new two-story child care building with outdoor play areas and parking for 4 cars (Martin Luther King Jr. Child Care Center).

The following approvals are required:

Administrative Conditional Use - To expand an institution in an SF 5000 zone.
(Seattle Municipal Code Chapter 23.44.022)

SEPA - Environmental Determination (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The subject property is located at 1855 South Lane Street within a Single Family 5000 zone (SF 5000). There are two existing buildings, a garage, and playgrounds on the site. The buildings

have been in use as a child care facility since 1973 for the north building and since 1975 for the south building and have been in continuous operation since then.

Properties in all directions are zoned Single Family 5000 (SF 5000).

Proposal Description

The proposal is to demolish all three existing structures and construct one two-story child care center of 10,345 square feet. The proposal includes a new surface parking lot, outdoor play areas and landscaping.

Public Comment

One comment letter was received during the official public comment period, which ended September 18, 2002. The comments centered on a request to keep, in as much as possible, the residential feel of the neighborhood and in deference to next door residences, to keep the on-site parking to a minimum or eliminate it altogether.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS **(SMC 23.44.018)**

- A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in single family zones. The Master Use Permit process shall be used to authorize these uses;*

The Land Use Code allows child care centers as an institutional use allowed through the Administrative Conditional Use approval process.

- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright;*

This proposal is subject to development standards SMC 23.44.008 through 23.44.016.

- C. *A conditional use may be approved, conditioned or denied based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located;*

This decision shall be based on whether the proposed use meets the development criteria and conditional use criteria as described in SMC 23.44.022 A through M. A community center has operated at this location since 1975. The City recognizes the public benefit that institutions, such as these have made by providing educational and cultural opportunities to their communities. The criteria for establishing this expansion shall be examined, and the project will be conditioned to prevent any detriment or injury to property in the vicinity.

- D. *In authorizing a conditional use, the Director or Council may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity in which the property is located;*

The criteria described in SMC 23.44.022 A through M is used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest.

- E. *Any use which was previously authorized by a conditional use permit but which has been discontinued shall not be reestablished or recommenced except pursuant to a new conditional use permit.*

The use remains the same at this site and has not been discontinued.

- F. *Minor structural work which does not increase usable floor area or seating capacity and does not exceed the development standards applicable to the use shall not be considered an expansion, unless the work would exceed the height limit of the zone for uses permitted outright.*

This proposal is an expansion of an institution.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Seattle Land Use Code (SMC 23.44.022 A) provides that institutions such as child care centers may be permitted as conditional uses in single family zones. Sections 23.44.022D through M set forth criteria to be used to evaluate and/or condition the proposal. The applicable criteria are discussed below.

- D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.

According to the plans submitted with the application, the proposal meets the applicable development standards enunciated in Section 23.44.008 through 23.44.016.

- E. Dispersion

The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.

The Martin Luther King Jr. Childcare Center expansion is currently located to the west of 20th Avenue. The proposal meets exception 1.b(2) because the Childcare Center is across an arterial from the St. Mary's Parish Church and the Happy Medium School. There is substantial open space associated with the church and school. The project is separated from the Kingdom Hall of Jehovah's Witnesses located two blocks to the southwest by a substantial topographic drop in elevation.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

No demolition of residential structures is proposed for parking; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met.

The proposal is for new construction.

H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

The proposed institutional expansion in the single family zone is not expected to generate significant increased noise and odors. None of the activities proposed as part of the typical, non-emergency use of the site will exceed the maximum permissible sound levels as established and modified in the SMC Chapter 25.08. Increased parking on site is proposed at a minimum to help mitigate noise or odors and to hold the drop-off function away from the single family residences. A new six (6) foot tall wood fence is proposed along the west property line at the south end and a four (4) foot high fence and landscaping at the north end. Outdoor play areas are located at the north and south ends of the site. A small infant's outdoor area is proposed adjacent to the southwest corner of the building. Similar play areas currently exist and are required by State licensing directives. The play areas will be used intermittently during the day. The center closes at 6:00 p.m. so there will be no evening play area activities unless it is a special occasion open house. Trash and recycling storage will be screened in the parking area.

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

The overall landscape design will buffer the facility from adjacent residences and help integrate the building into the single family residential neighborhood. The proposal includes benches, shade trees, shrubs and flowering plants. Stormwater runoff will be directed away from pedestrian and play areas, ground cover and impervious surfaces will help control erosion. The building has been designed to reduce the appearance of bulk with broken facades, and with single family height scale in mind. The 20th Avenue façade have modulation, architectural features and landscaping that minimize the appearance of bulk. There will be an entry plaza along the 20th Avenue façade and views into the interior commons space, resource room and director's office. The proposal includes a mixture of coniferous and deciduous trees and shrubs to help reduce the appearance of bulk.

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

All exterior lighting will direct light downward to minimize light and glare on neighboring properties.

K. Bulk and Siting

1. Lot Area. *If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*

- a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

The lot is less than one acre.

- b. *For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures.*

The proposal includes architectural features that help it to integrate in bulk and scale with the surrounding single family neighborhood. The setback requirements are met except for a couple of locations along 20th Avenue which help modulate the façade and create architectural interest and variety.

2. Yards. *Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The proposed site has a 10-foot side yard on the west side yard. The east side yard is proposed to be 5 feet along that street frontage and will not significantly increase impacts to adjacent lots or the neighborhood. Trees, shrubs, decorative paving, and benches available to the public are proposed along the east property line.

3. Height Limit. *A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

This provision is not applicable.

4. Facade Scale. *If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The proposed structure includes façade modulation, roof line variation, landscaping and variation in fenestration to minimize the appearance of bulk. No further mitigation is required.

L. Parking and Loading Berth Requirements

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section. The modification shall be based on adopted City Policies and shall:

- i. *Provide a demonstrable public benefit such as, but not limited to, reduction of traffic on residential streets, preservation of residential structures, and reduction of noise, odor, light and glare; and*

No parking is currently provided on site. The applicant has indicated that over the last 12 years, only two employees drive to work and this trend is expected to continue due to excellent bus transportation in the area, employees who live nearby and those that are dropped off and picked up for their work day. As a result, parking for 4 vehicles has been proposed. This is 8 less than the land use code development standard. The modification is acceptable here because there will be fewer vehicles parking and maneuvering close to the neighboring single family residence; thus, reducing noise, odor, light and glare. The resulting site area will be used for expanded and much needed play area on this parcel. Access to the parking will be from 20th Avenue South.

- ii. *Not cause undue traffic through residential streets nor create a serious safety hazard.*

No traffic will be routed through residential streets nor will there be a safety hazard.

M. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.

A transportation plan has been submitted and reviewed in this analysis. A small transportation information center will be required to be installed in the building to give employees and clients up to date information on available nearby transportation.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The conditional use application is **APPROVED WITH CONDITIONS** as indicated at the end of this document.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist dated July 24, 2002 and supplemental information in the project file. This information, along with the experience of the lead agency in similar situations, form the basis for this analysis and decision. No long-term impacts are anticipated from this proposal. Short-term impacts are discussed below.

The SEPA Overview Policy (SMC 25.05.665.D) states "*where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,*" subject to limitations. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are:

the Storm Water, Grading and Drainage Control Ordinance (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); Building Code (construction standards); and Noise Ordinance (construction noise). Compliance with these codes and ordinances will be adequate to achieve sufficient mitigation of identified adverse impacts. Thus, mitigation pursuant to SEPA is not necessary for these impacts. Other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation.

Short-Term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulate during construction; potential soil erosion during grading, excavation and general site work; increased run-off; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts are adverse.

Construction noise may be adverse enough to warrant mitigation. The proximity of residential uses is such that the limitations of the Noise Ordinance would be inadequate to mitigate potential noise impacts. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require occasional Sunday and evening work. If such work is planned, a request should be submitted in writing to the DCLU Planner (Holly Godard 206-615-1254) and should be requested prior to each occurrence.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. Pursuant to SEPA policies in SMC Section 25.05.675.B, the hours of construction, including excavation, foundation installation and framing activity shall be limited to between 7:30 a.m. and 6:00 p.m. on non-holiday weekdays and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays. Some extra-ordinary activities may require occasional Sunday and evening work. If such work is planned, a request should be submitted in writing to the DCLU Planner (Holly Godard 206-615-1254) and should be requested prior to each occurrence.

CONDITIONS - ADMINISTRATIVE CONDITIONAL USE

For the Life of the Project

1. A transit information center will be established on site to encourage patrons and employees to use transit alternatives.

Signature: (signature on file) Date: February 6, 2003
Holly J. Godard, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

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